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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,475	12/07/2004	Dominique Beaufort	FR 020055	6119
24737 7590 08/31/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
BROOKS, MATTHEW L.				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
08/31/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/517,475

**Applicant(s)**

BEAUFORT ET AL.

**Examiner**

MATTHEW L. BROOKS

**Art Unit**

3629

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 August 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): 112 2<sup>nd</sup> and 112 1<sup>st</sup>.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-3 and 6-8.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☒ Other: See Continuation Sheet.

/Matthew L. Brooks/  
Patent Examiner, GAU 3629  
8/30/2010

Continuation of 13. Other: Applicant states/ only argument in reply to the 102 rejection, on p. 9 of REMARKS, is that they can find nothing in DeLorme to teach the claimed limitation, "optimal"; however the examiner has pointed to specific section in DeLorme in the final office action which teaches this limitation. Furthermore Applicants definition of optimal from the specification :

"Advantageously, the user also has the possibility of indicating a transport mode TM to be used, and/or a user preference UP intended to determine an optimal itinerary from various possible itineraries (for example, the user may choose time, distance, or costs as optimal criteria)."

DeLorme teaches : as specifically stated in prior action; "...round routes of travel. Users engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan."

AND DeLorme also teaches

at 24) "An advantage of the invention is that travel planning can be optimized in an iterative process which incorporates reserving, purchasing, and ticketing the planned travel quickly and personally. The user constructs a travel route and at the same time constructs a customized travellog for previewing the initial travel route. On the basis of the multimedia preview of the initial travel route, the trip planner undertakes revision of the travel route, e.g. by changes in the selected transportation routes, waypoints, and selected POIs. The travel route is recalculated by the TRIPS software through reservation system links and the user-customized travellog is also reconstructed for further preview. Further refinements can follow in subsequent iterations until a satisfactory travel route is achieved and a ticket purchase is made through ticketing system links. All accounting and transaction information is tracked by the TRIPS software and a hard-copy ticket and map are then immediately printed for the user."

AND

15) As introduced in FIG. 1A, preferred TRIPS embodiments enable users to create individualized or "custom" travel plans output in various formats or media by the manipulation and adjustment of selectable travel planning capabilities. Fully articulated TRIPS embodiments, for example, typically include optional capabilities such as: input and processing of transportation mode preferences, travel time/date frames, starting point, final destination and optional intermediate waypoints; digital map information and functions such as mapping types or unique geographic points of interest (POIs); independent user exploration or computerized sorting/relating of travel topics, temporal events of interest (EOIs), tickets, reservations and other special offers for goods/services; selectable text, audio and/or graphic supplemental or updated information on selected topics, POI/EOI data and special offers; scheduling tools to evaluate and manage the temporal aspect of trip itineraries; multimedia travelogs or previews of places, events, topics as well as transportation, other accommodations, goods/services for which tickets/reservations/special offers are available via TRIPS; travel budgeting functionality for comparative analysis of factors such as travel time, distance, cost, etc.; and so forth. To generate compact, individualized "map ticket" travel plan output, optimally arranged in geographic/temporal order of travel, users preferably engage, explore, integrate and/or reiterate two or more of such TRIPS travel information operations in order to generate, shape, focus, elaborate, edit and finish personalized output tailored to the user's personal travel preferences, needs, budget and timetable—as described hereinafter."

AND

"17) For additional help illustrating how TRIPS works, this invention description focuses on two hypothetical individuals—Sara Smith and John Jones—who both are presumed to be residents of Knox, Ind. Sara Smith illustrates the travel planning needs, concerns, motivations and approaches of a person who plans to take a vacation in the near future. Sara Smith wants to explore different things to do, possible destinations, places and/or people to visits, methods of transportation, and so forth. By contrast, John Jones' primary destination and travel time-frame are already set by his hypothetical situation—like many business or family trips. John Jones is planning a trip to attend his grandmother's birthday party which is already firmly scheduled for 5:30-7:30 PM on Sep. 13, 1996 at Bradbury Mountain State Park in Pownal Me. (see e.g. FIG. 1C at 167). John Jones has a known or previously established travel destination, date/time around which to build and optimize a TRIPS travel plan, among other obvious differences—while Sara Smith wants help selecting a specific recreational focus, places to go, travel time frame, as well as optimal transportation, accommodations, scheduled events and budgeting for her vacation travel plan. The present invention is also applicable to varied travel planning circumstances and approaches, more complex requirements, situations and itineraries, as well as simpler travel scenarios. Moreover, the TRIPS software does not dictate that Sara Smith and John Jones start with the same input or follow parallel paths or steps in their individual travel planning sessions."

AND;

at 22) "The TRIPS user had already personally decided to be driven to the airport by a family member, stopping to eat on the way. Therefore, this hypothetical TRIPS user might well take advantage of TRIPS capabilities for locating and previewing of restaurants and other types of geographic points of interest (POIs) along a user-defined route as disclosed hereinafter and in David M. DeLorme and Keith A. Gray, U.S. Pat. No. 5,559,707 issued Sep. 24, 1996 and titled COMPUTER AIDED ROUTING SYSTEM (or CARS). In the course of computing an optimum route, this technology enables the user to focus on text information, even multimedia graphics and audio, about user-selected types of attractions, accommodations or other POIs presented in the user's planned order of travel. Thus, the TRIPS invention enables the user to consider topical information in varied media about restaurants or other locations within a user defined region or distance around a computed travel route. Furthermore, TRIPS provides improved capabilities for previewing of user-defined selections and/or integrated combinations of characteristic TRIPS temporal, topical, and/or transactional (as well as geographic) travel information--as detailed further hereinafter, with particular reference to FIGS. 4, 5, 6, 7 and 8."